

## **Section 401.0**

### **EQUAL EMPLOYMENT OPPORTUNITY**

The City of Broken Bow provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, gender, national origin, age, disability/handicap, or status as a Vietnam-era or special disabled veteran in accordance with applicable Federal and State laws to include Title VII, Civil Rights Act of 1964. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

#### **Harassment**

The City of Broken Bow has adopted a policy of zero tolerance with respect to unlawful employee harassment. In this connection, the City of Broken Bow expressly prohibits any form of unlawful employee harassment based upon race, color, religion, gender, national origin, age, disability/handicap, status as a Vietnam-era or special disabled veteran, or status in any group protected by applicable law.

With respect to unlawful sexual harassment, the City of Broken Bow prohibits the following:

1. Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
  - a. Submission to such conduct is made either expressly or implicitly a term or condition of employment,
  - b. Submission to or rejection of such conduct is used as the basis for decision affecting an individual's employment, or
  - c. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment. A hostile work environment is created by conduct which unreasonably interferes with work performance that can alter a condition of employment and create an abusive working environment.
2. Offensive comments, jokes, innuendoes, and other sexually oriented statements or conduct.

There is no way to create an exhaustive list of all forms of conduct which are prohibited by this policy. However, examples of the type of conduct expressly prohibited by this policy include, but are not limited to, the following:

- a. Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.
- b. Sexually suggestive touching.
- c. Grabbing, groping, kissing, fondling.
- d. Violating someone's personal space.
- e. Whistling inappropriately.
- f. Lewd, off-color, or sexually oriented comments or jokes.
- g. Leering, staring, stalking.
- h. Foul or obscene language.
- i. Suggestive, sexually explicit, derogatory, or offensive posters, calendars, photographs, graffiti, cartoons.
- j. Unwanted or offensive letters or poems.
- k. Inappropriate, offensive, or sexual gesturing.
- l. Offensive e-mail or voice-mail messages.
- m. Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip, regarding one's sex life, body, sexual activities, deficiencies, or prowess.

- n. Questions about one's sex life or experiences.
- o. Repeated requests for dates.
- p. Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
- q. Sexual assault, battery, or rape.
- r. Any other conduct (written, verbal, etc.) which is offensive or deemed inappropriate by the City of Broken Bow.

### **Complaint Procedure**

The City of Broken Bow is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their coworkers.

If you experience any job-related discrimination or harassment based on your gender, race, national origin, disability/ handicap, or another factor, promptly report the incident to you supervisor, Human Resources, or any Department Head of the City of Broken Bow. This policy applies to all incidents of alleged discrimination or harassment where the alleged offender is a supervisor, coworkers, or even a non-employee who has a business or potential business relationship with the City of Broken Bow.

Should the alleged discrimination or harassment occur at a time other than normal working hours, your complaint should be reported as early as practicable on the first working day following the alleged incident.

The City of Broken Bow takes complaints of discrimination and harassment very seriously. Thus, there is no need to follow any formal chain-of-command when making a report and you may bypass anyone in your direct chain-of-command and report your complaint with Human Resources at any time. All complaints of harassment and discrimination will be investigated. All complaints will be kept confidential to the extent possible while still allowing the City to investigate and take action, if necessary.

If the City of Broken Bow determines that an employee has violated this policy, appropriate disciplinary action will be taken against the offending employee up to and including termination of employment.

### **Retaliation**

The City of Broken Bow prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if after investigating a complaint under this policy, the City of Broken Bow determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action up to and including termination may be taken against the individual who filed the complaint or who gave the false information.

## **Section 505.0**

### **Sexual Harassment**

Employees should be aware that sexual harassment is strictly prohibited. For the purpose of this policy, sexual harassment includes unwelcome sexual advances and other verbal or physical conduct of a sexual nature when (a) submission to such conduct is a term or condition of employment or is used as a basis for an employment decision, or (b) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Individuals who engage in or make false accusations regarding sexual harassment will be subject to serious disciplinary measures. Employees are encouraged to report any violations of this policy to their supervisor, Human Resources, or the City Manager. Rigorous enforcement of this policy at all levels of management will ensure a workplace free from sexual harassment. Employees should refer to Section 401.0 of this manual for further information on Sexual Harassment.

**Demotion:** In cases where warranted, the City Manager may demote an employee to a lower class position and pay grade that he or she deems suitable as disciplinary action subject to the provisions outlined in Demotions, page # 31.

**Dismissal:** When other forms of disciplinary action have proved ineffective or where the seriousness of the offense or condition warrants it, the Department Director may recommend dismissal of an employee for any violation of the rules or regulations or any other reason, which will be for the good of the service. In the event the Department Director believes that immediate action is required to protect City interests, he or she has the authority to suspend an employee with pay pending a hearing, which shall generally take place within two business days.

## **Equal Opportunity Employment**

Eligibility for City employment is based on merit, fitness and qualifications established for the particular position that is open. No person will be favored or discriminated against because of age, race, gender, political or religious affiliations, national origin or ancestry in any manner involving employment, including recruitment, advertising, appointment, layoff, termination, promotion, demotion, transfer, compensation, training and selection for training or any other terms, conditions or privileges of employment.

## **Extent of Coverage**

These rules shall be construed as a declaration of employment guidelines by the City, and shall not be construed as a contract with any employee or as creating any debt or obligation on the part of the City. These personnel rules and regulations apply to all City employees, including employees covered by a collective bargaining agreement entered into between the City and a legally authorized collective bargaining agent. Where a collective bargaining agreement exists, these personnel rules and regulations apply fully, unless and only to the extent expressly modified by the collective bargaining agreement.

## **Firearms/Weapons**

The City prohibits an individual from bringing firearms or weapons of any sort,